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Resolution adopted by the Human Rights Council on 23 June 2017

35/25. The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council, including Council resolutions 19/20 of 23 March 2012 and 31/14 of 23 March 2016, on the role of good governance in the promotion and protection of human rights, 21/13 of 27 September 2012, on a panel discussion on the negative impact of corruption on the enjoyment of human rights, 23/9 of 13 June 2013 and 29/11 of 2 July 2015,

Recalling also that the United Nations Convention against Corruption, to which 140 States are signatories and 181 States are parties, has been the most comprehensive and universal instrument on corruption since its entry into force on 14 December 2005, and the purposes of which are outlined in its article 1,

Noting with interest the outcomes of the third, fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held, respectively, in Doha in 2009, in Marrakech, Morocco, in 2011, in Panama City in 2013, and the sixth session of the Conference, held in Saint Petersburg, Russian Federation, in 2015, as well as plans to convene the seventh session of the Conference in Vienna in 2017, and stressing the need for States parties to the Convention to ensure the effective implementation of the resolutions adopted by the Conference,

Noting the compilation of best practices of efforts to counter the negative impact of corruption on the enjoyment of all human rights developed by States, national human rights institutions, national anti-corruption authorities, civil society and academia, prepared by the

Office of the United Nations High Commissioner for Human Rights and submitted to the Council at its thirty-second session,[1]

Reaffirming that States have the primary responsibility for the promotion and protection of human rights,

Recognizing that the international legal frameworks for protecting human rights and fighting corruption are complementary and mutually reinforcing,

Recognizing also that improvements in the promotion and protection of human rights at the domestic level have a central role to play in the prevention of and the fight against corruption at all levels,

Recognizing further that good governance and the rule of law, and the promotion and protection of human rights and fundamental freedoms, including the right to seek, receive and impart information, the right to take part in the conduct of public affairs and the right to a fair trial before a competent, independent and impartial court, established by law, are essential to domestic efforts to prevent and fight against corruption,

Highlighting the global character of corruption and the consequential need for international cooperation to prevent and suppress corruption and to recover assets of illicit origin derived from acts of corruption,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations and to realize, within the maximum available resources, the Sustainable Development Goals,

Welcoming the 2030 Agenda for Sustainable Development,[2] including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, on effective rule of law and on good governance at all levels, and on transparent, effective and accountable institutions, and its addressing of factors that give rise to violence, insecurity and injustice, such as inequality, corruption, poor governance and illicit financial and arms flows,

Acknowledging that marginalized groups are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that such an adverse impact can lead to and be further aggravated by discrimination,

Stressing that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, and underlining that those measures should be strengthened at all levels,

Recognizing the importance of creating a safe and enabling environment for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors, lawyers and judges, and of protecting these individuals from any threats arising from their activities in preventing and fighting against corruption,

Underlining the importance of an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution and the integrity of the judicial system to prevent and fight corruption and to address its negative impact on human

[1] A/HRC/32/22.

[2] General Assembly resolution 70/1.

rights, in line with rule of law and the right to a fair trial, to access to justice and to an effective remedy, without discrimination,

Stressing the importance of setting up an appropriate legal framework to safeguard human rights while preventing and fighting corruption,

Emphasizing that human rights education and awareness-raising campaigns and other measures are important enablers for the prevention of and the fight against corruption,

Acknowledging that the State should protect against any adverse human rights impact arising from acts of corruption involving non-State actors, including the private sector, through effective regulatory and investigative mechanisms, with a view to holding perpetrators to account, recovering assets of illicit origin derived from acts of corruption and providing redress to victims,

Highlighting that States shall, in accordance with their respective legal systems, endeavour to establish and promote effective practices aimed at the prevention of corruption and its impact on the enjoyment of human rights, and to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption, including by ensuring transparency, access to public information, accountability, non-discrimination and meaningful participation in the conduct of public affairs,

Observing that corruption frequently results in discriminatory access to public services and goods, and renders those in vulnerable situations more prone to adversely suffering from the negative social and environmental impact of economic activities,

Highlighting that national human rights institutions could play an important role in raising awareness and promoting educational and training activities regarding the impact of corruption on human rights, through their complaint procedures, investigations and analysis,

Highlighting also the opportunities provided by information and communications technology to strengthen transparency and accountability, as well as to prevent, detect and investigate corruption,

Stressing the importance of indicators, as appropriate, for measuring the negative impact of corruption on the enjoyment of human rights and on the realization of the Sustainable Development Goals,

Underlining the importance of mainstreaming anti-corruption efforts into national development strategies and processes in order to address corruption and to achieve the Sustainable Development Goals,

Welcoming the engagement of States parties to the United Nations Convention against Corruption through appropriate measures, such as the development of national plans of action to strengthen implementation of the Convention at the domestic level and participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, aimed at identifying gaps and assisting countries in meeting the objectives of the Convention,

Recalling the final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights,[3]

[3] A/HRC/28/73.

1. *Urges* States that have not yet done so to consider ratifying the United Nations Convention against Corruption, and calls upon States parties to the Convention to effectively implement it;

2. *Welcomes* the commitments made by all States in Sustainable Development Goal 16 and its target 16.5 to substantially reduce corruption and bribery in all their forms;

3. *Underlines* the necessity to step up cooperation and coordination among different stakeholders at the national, regional and international levels to fight corruption in all its forms as a means of contributing positively to the promotion and protection of human rights;

4. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights;

5. *Urges* States to create and maintain, in law and in practice, while addressing the negative impact of corruption on the enjoyment of human rights, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;

6. *Calls for* the strengthening of preventive measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;

7. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be addressed and prevented through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy;

8. *Encourages* national anti-corruption authorities and national human rights institutions, where they exist, to cooperate through the exchange of information, where appropriate, and the development of joint strategies and plans of action to fight corruption and its negative impact on the enjoyment of human rights;

9. *Stresses* that international cooperation can contribute to the prevention of the negative impact of corruption on the enjoyment of human rights, including through the delivery of advisory services, technical assistance and capacity-building, and the exchange of best practices to support States, upon their request, in their efforts to prevent and to fight corruption;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the United Nations Convention against Corruption, to exchange views and to keep each other abreast of ongoing activities to deepen the understanding of the nexus between corruption and human rights;

11. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights;

12. *Requests* the Office of the High Commissioner to organize, before the thirty-ninth session of the Human Rights Council, in coordination with the United Nations Office on Drugs and Crime and with the participation of relevant United Nations entities, an intersessional, half-day open-ended expert workshop, with the objective of exchanging best practices on how the United Nations system supports States in preventing and fighting against corruption, with a focus on human rights;

13. *Requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its forty-first session.

37th meeting
23 June 2017

[Adopted without a vote.]